

REMARKS/ARGUMENTS

The applicant acknowledges, with thanks, receipt of the July 26, 2007 Office Action. This amendment is responsive to the July 26, 2007 Office Action. Claims 14-15 have been amended. Claims 16-24 have been canceled without prejudice or disclaimer. Claims 25-39 are new. The subject matter of balancing AP processor performance in claims 28-34 is not new matter as it is disclosed on page 4, lines 15-18 and page 5 lines 3-8 of the original specification. The subject matter of using load balancing to minimize multipath between wireless link is not new matter as it is disclosed on page 4 line 22 – page 5 line 3 of the original specification. The various control actions recited in claims 14, 27, 28, 29, 35 and 36 are not new matter as they are disclosed on page 5, lines 14-19 of the original specification.

The applicant would like to thank the examiner for the telephone interview granted on November 20, 2007. Attending the interview were the examiner and the undersigned. Claim 14 was discussed. The prior art discussed was Cromer, Cavin, Lomp, and King. The general thrust of the applicant's arguments were directed to embodiments of the subject application that included balancing AP processor performance, maximizing signal strength, and minimizing multipath, whereas the cited prior art teaches performing load balancing by forcing a roam when bandwidth exceeded (Cromer), changing data rate when interference is detected that is not intermittent (Cavin), using a rake receiver to minimize multipath (Lomp) as opposed to admission control and other control actions now recited in the claims as amended changing the direction of antenna (King). No agreement was reached on the claims.

Claim Objections

Claim 15 was objected to because of a “;” in line 2 makes the claim difficult to understand. Accordingly, claim 15 has been amended to overcome this objection.

Claim 17 was objected to “packet loss” is mentioned twice as a link quality parameter in lines 2-3. Withdrawal of this objection is requested as claim 17 has been deleted.

Claim Rejections – 35 U.S.C. § 112

Claims 14-23 stand rejected under 35 U.S.C. § 112, 2nd paragraph as being indefinite. The examiner rejected the use of “implementation” which can be considered a method but refers back to an apparatus in the preamble. The examiner suggested that –device—replace “implementation.” Claims 14-15 have been amended accordingly, the remaining claims have been canceled. The new claims presented herein use ‘device’ instead of ‘implmentation.’ Accordingly, withdrawal of this rejection is requested.

Claim Rejections – 35 U.S.C. § 102

Claims 14-18 and 20-23 stand rejected under 35 U.S.C. § 102 as being anticipated by Cavin (US 7,143,320). Withdrawal of this rejection is requested for reasons that will now be set forth.

Independent claim 14, as currently amended, recites an apparatus comprising a tracking device and a control device. The tracking device tracks signal strength of each wireless client's wireless link with each respective access point for a plurality of wireless clients in communication with a plurality of access points. The control device varies the operation of one of the wireless clients and wireless clients to achieve maximum signal strength for each wireless client's wireless link with each respective access point. The control device performs a control action to vary the operation of at least one of the plurality of access points and at least one of the plurality of wireless clients. The control action is selected from a group consisting of client admission control, varying the signal power of at least one of the plurality of wireless clients, and varying the signal power of at least one of the plurality of wireless access points.

Claim 28 recites an apparatus where the tracking device tracks processor performance for a plurality of access points and the control device performs a control action to provide balanced access point digital processing performance. The control action may be any of the control actions recited above for claim 14 *supra*.

Claim 35 recites an apparatus where the tracking device is configured for tracking multipath for each wireless client's wireless link with each respective wireless access point for a plurality of wireless clients in communication with a plurality of access points the control device performs a control action so as to minimize multipath for each wireless client's wireless link with each respective wireless access point.

By contrast, Cavin tracks Packet Error Rate (PER) and changes (lowers) the data rate of a wireless link if interference is not intermittent. If the interference is intermittent, then Cavin does not change the data rate. Cavin does not teach or suggest using one of the control actions enumerated in claim 14 to achieve maximum signal strength for each wireless client's wireless link as recited in claim 14. Cavin does not teach or suggest balancing processor performance using one of the enumerated control actions recited in claim 28. Moreover, Cavin does not teach or suggest using one of the control actions enumerated in claim 35 to minimize multipath for each wireless client's wireless link with each respective wireless access point.

Therefore, for the reasons just set forth, Cavin does not teach (or suggest) each and every element of independent claims 14, 28 and 35. Thus, Cavin does not anticipate independent claims 14, 28 and 35.

Claims 15 and 5-27 directly depend from claim 14 and thus contain each and every element of claim 14. Thus, claims 15 and 25-27 are not anticipated by Cavin for the same reasons as set forth for claim 14.

Claims 29-34 directly depend from claim 28 and thus contain each and every element of claim 28. Thus, claims 29-34 are not anticipated by Cavin for the same reasons as set forth for claim 28.

Claims 36-39 directly depend from claim 35 and thus contain each and every element of claim 35. Thus, claims 36-39 are not anticipated by Cavin for the same reasons as set forth for claim 36-39.

Claim Rejections – 35 U.S.C. § 103

Claim 19 stands rejected under 35 U.S.C. § 103 as being obvious in view of the combination of Cavin (US 7,143,320) and Lomp et al. (US 2003/0043776; *hereinafter* Lomp). Withdrawal of this rejection is requested for the reasons that will now be set forth.

Claim 19 has been canceled. The aforementioned deficiencies in Cavin recited in claims 14, 28 and 35 are not remedied by any teaching of Lomp. Lomp uses a rake receiver to minimize multipath. Lomp does not teach or suggest using any of the control actions enumerated in claims 14, 28 and 35 to minimize multipath. For example, Lomp does not teach or suggest using admission control for minimizing multipath. By using admission control, a

wireless client can be directed to tee AP that can establish a wireless link with the wireless client having minimum multipath.

Claim 24 stands rejected under 35 U.S.C. § 103 as being obvious in view of the combination of Cavin (US 7,143,320) and King et al. (US 2006/0171357); *hereinafter* King). Withdrawal of this rejection is requested for the reasons that will now be set forth.

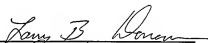
The aforementioned deficiency in Cavin is not remedied by any teaching in King. King discloses selectively controlling the direction of an antenna used for communication, which does not remedy the aforementioned deficiency in Cavin. Moreover, King is not prior art to this application, as King was filed on Jan. 28, 2005, which is after the filing date of this application, July 30, 2003.

CONCLUSION

Withdrawal of the rejections to the claims as currently standing is requested for the reasons just set forth. The examiner is invited to contact the undersigned if there are any other matters that need to be resolved to advance prosecution of this application. If there are any fees necessitated by the foregoing communication, the Commissioner is hereby authorized to charge such fees to our Deposit Account No. 50-0902, referencing our Docket No. 72255/32775.

Respectfully submitted,

Date: 11-23-2007


Larry B. Donovan
Registration No. 47,230
TUCKER ELLIS & WEST LLP
1150 Huntington Bldg.
925 Euclid Ave.
Cleveland, Ohio 44115-1414
Customer No.: 23380
Tel.: (216) 696-3864
Fax: (216) 592-5009